

Office of the Child Advocate  
Juvenile Justice Policy and Data Board  
Community Based Interventions Subcommittee  
Monday, July 29, 2024  
2:00PM-3:30PM  
**Meeting held virtually**

**Subcommittee Members or Designees Present:**

Amy Ponte (CAFL)  
Brian Blakeslee (CPCS)  
Stacey Lynch (DPH)  
Lydia Todd (CLM)  
Thula Sibanda (DYS)  
Rebecca Brink (DCF)  
Susan Gill-Hickey (Court Clinics)  
Jamie Bennett (YAD)  
Rachel Wallack (Juvenile Court)  
Laura Miller (MDAA)  
Leon Smith (CfJJ)  
Dawn Christie (PPAL)

**OCA Staff:**

Melissa Threadgill  
Kristi Polizzano  
Morgan Byrnes  
Arianna Turner

**Other Attendees:**

Katie Perry-Lorentz (DYS)  
Kathleen Bitetti (OSA)  
Omar Irizarry (DMH)  
Sir Parrish (DYS)  
Deborah Bowden (JDAI)  
Karly Bruder (CfJJ)  
Jennifer Hallisey

**Meeting Commenced: 2:02 PM**

**Welcome and Introductions:**

Ms. Polizzano welcomed the attendees to the Community Based Interventions (CBI) Subcommittee virtual meeting. She welcomed members to introduce themselves.

**Review and Approval of Minutes from the May Meeting:**

Ms. Polizzano held a formal vote on the approval of the previous Community Based Interventions meeting minutes. Amy Ponte, Thula Sibanda, Brian Blakeslee, Susan Gill-Hickey,

Jamie Bennett, Lydia Todd, Stacy Lynch, Rebecca Brink, and Laura Miller all voted to approve the minutes. Rachel Wallack abstained. No one opposed.

The meeting minutes for May 29, 2024, were approved.

Ms. Polizzano then explained that the meeting would focus on reviewing national research on pretrial reforms as part of the larger pretrial phase project. She recapped highlights from the national research shared at May's meeting and outlined guiding questions for this meeting's research.

Ms. Polizzano then welcomed Ms. Byrnes to begin presenting research on reforms from other jurisdictions. Ms. Byrnes provided an overview of the research that would be presented.

Ms. Byrnes then began presenting examples of pretrial reforms. She began by reviewing the 2021 Illinois Pretrial Fairness Act (PFA), including the following information:

- Prior to reform, the ability to post bail was often the only determinant in detention admissions.
- The goal of the PFA was to create a system that reduced the use of detention and promoted public safety.
- After the reform, detention is limited to only certain offenses which fall under two qualifying standards: the dangerousness standard and the willful flight standard.
- Ms. Byrnes reviewed examples of detainable offenses, as well as what happens when youth violate pretrial release and/or their release is revoked.
- Prior to going statewide, reforms were first implemented across 5 pilot sites.
- Initial results indicate the law is having its intended effect.
- Potential areas of future reform in Illinois.

Ms. Byrnes then welcomed questions on the information presented.

Members asked questions about the data presented and if the OCA has pre-reform data comparisons. Ms. Byrnes shared that the OCA does not currently have that information, but they will follow up with colleagues in Illinois.

One member noted the positive impact that longer bail hearings have in reducing implicit biases and asked how the population of those who are held in detention is distributed across racial and ethnic lines. Ms. Polizzano stated that she would follow up with Illinois about this question.

Ms. Byrnes then began presenting on the 2014 New Jersey Criminal Justice reform, including the following information:

- Detention can only be used for certain offenses, such as murder or felony murder, aggravated sexual assault, and human trafficking, among others.
- Bail reform in NJ has been successful.
  - Defendants are showing up in court.
  - Fewer people are being held pretrial.
  - New Jersey has seen only negligible increases in crime or re-arrest rates after implementation.
  - New Jersey has decreased the use of pretrial detention without increasing gun violence.

Ms. Polizzano added that colleagues in New Jersey shared that youth in the state are being held in detention for longer periods of time which could be due to the seriousness of the cases for youth who are now detained.

Ms. Byrnes welcomed questions and comments on the information presented. None were raised.

Ms. Byrnes then began presenting information on electronic monitoring reform, including the following:

- Jurisdictions that do not use EM for juveniles.
  - New Hampshire appears to be the only state that does not use some form of electronic monitoring in the juvenile justice system.
- Electronic monitoring (EM) reforms for youth in California.
  - Hearings are held every 30 days that a youth is monitored to ensure they are not monitored unnecessarily.
  - “Good time” credit is earned by youth while on electronic monitoring.
  - Data reporting (by age, gender, race, and underlying offenses) is required for the following:
    - the number of youth on EM annually
    - the number of days youth were on EM
    - number of days that youth were detained because of violating EM conditions
    - the reasons youth were placed on EM
- Electronic monitoring technological advancements tested in a 2019 New York pilot program.

Ms. Byrnes welcomed questions about the information presented.

One member asked if it was possible to use a more discreet device for electronic monitoring that does not hold the same stigma as the traditional ankle bracelets. Ms. Polizzano shared that there

are jurisdictions that use better technology, however there are still limitations in its utility due to logistical issues such as kids needing to remember to charge the device.

One member shared the importance of considering the complex stigma, and consequences of, being monitored on GPS. For example, some kids feel unwelcome at prosocial activities.

A member stated that the California policy of requiring a hearing every 30 days is very important, as young people should have the ability to earn their way off GPS. The member also shared that a youth's ability to have the GPS removed can depend on what violations are reported to the judge and that technical violations that do not directly threaten public safety should not be weighted in the same way as those that do.

Ms. Polizzano asked the group if they believe holding a hearing every 30 days while a youth is on GPS is reasonable. One member responded that the decision to remove a GPS depends heavily on the judge presiding over the case and that it is difficult for a youth to have perfect behavior for 30 days.

Ms. Byrnes asked the group if they had concerns about potential unintended consequences of limiting cash bail. One member responded that there could be more requests for dangerousness hearings and detention.

Ms. Polizzano added that one reason youth are held on cash bail in MA is due to other safety concerns. For example, judges may be inclined to hold youth who they suspect are being sexually exploited. OCA staff asked colleagues in New Jersey how they handle concerns like those. NJ refers kids to other programs for these non-delinquent needs to be met.

Ms. Byrnes asked the group if they had other questions about pretrial reforms.

One member asked what happens when there is a violation of the conditions of release in Illinois. Ms. Byrnes shared that the youth is subject to sanctions but not detention if the violation is not detainable.

One member asked for more information on New Jersey's reform. Ms. Byrnes shared that if youth are arrested, the police call in to a center and someone completes a screener with the officer to determine whether to detain the youth; the results of the screener then move with the youth through the initial arraignment. She added that while limiting cash bail has had some impact on detention rates, New Jersey is not a direct comparison to MA because it is more tied to overnight arrests than in MA.

One member stated that longer detention stays in NJ are a concerning trend and asked if New Jersey compared subsets of youth when studying these increased detention stays. Ms. Polizzano stated that she will follow up with New Jersey on that question.

Ms. Threadgill asked if either the cash bail or no cash bail systems can lead to more youth being held. One member shared that in their experience, there was no difference in time held in detention for kids who lived in states with cash bail and those who lived in states without cash bail. They shared that when there is no cash bail, they try to put a plan in place to alleviate the judge's concerns so that the youth can be released. The member said, anecdotally, there were not more youth held in states without cash bail.

Ms. Byrnes asked the group about potential unintended consequences of eliminating service-based requirements as Illinois has done. She also asked if members had specific questions for other jurisdictions. One member proposed asking about how restrictive or broad the GPS conditions are. Another member suggested asking specific questions about unintended consequences and providing examples.

One member shared that sometimes in cases of serious offenses with bail set, the family can decide to post bail and bring the youth home; when the court puts conditions in place, the judge does not know the family's dynamics and needs, and there can be unintended negative consequences for them. The member also stated that some conditions, such as mental health treatment, are outside of a family's control, posing a challenge to abiding by the conditions. Additionally, the member shared that youth are sometimes held for safety concerns even though there is evidence showing the youth are more successful in in-home settings.

One member shared that because the trial court does not control the services that youth sometimes need, the youth cannot receive services through the state unless they rise to the level of needing services from a specific state agency (ex. DHM, DCF, DYS). The member added that other states have courts that provide services.

One member shared the value of youth being engaged in smaller, community-based services, which can struggle to secure funding. In practice, the member shared, youth are typically sent to bigger providers who are less connected to the community.

One member shared that many service programs are funded by DCF and have artificial discharge dates, rather than relying on the intel of the provider and the family about a youth's progress in a program.

One member shared that few families use pediatrician referrals for mental health treatments, meaning that the families are paying for services rather than going through insurance. The member raised this as an issue to explore further.

### **Next Steps**

Ms. Byrnes reviewed the agenda for the August meeting and welcomed Ms. Polizzano to share closing comments.

### **Closing Comments:**

Ms. Polizzano shared that the next meeting of the CBI subcommittee will be on August 28 at 2PM and adjourned the meeting.

**Meeting adjourned: 3:16 PM**